

BILL NO. 6241.2

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 500.040, PROPERTY MAINTENANCE CODE, OF THE MUNICIPAL CODE OF THE CITY OF CLAYTON, MISSOURI, TO ESTABLISH REQUIREMENTS FOR INSPECTION, PERMITTING AND OCCUPANCY OF RESIDENTIAL RENTAL PROPERTY AND NON-RESIDENTIAL PROPERTY.

WHEREAS, the Board of Aldermen finds that multiple-dwelling, non-owner occupied, residential property tends to more frequently be out of compliance with the minimum property maintenance standards adopted to protect the public health, safety and welfare of the Clayton community and to protect and enhance the value and stability of the City's housing stock and tax base; and

WHEREAS, the Board of Aldermen also finds that property maintenance standards applicable to non-residential property serve to protect the public health, safety and welfare of the public who come to such properties for employment, commerce or other purposes; and

WHEREAS, the Board of Aldermen believes that pre-occupancy and periodic inspection of the hereinafter referenced residential rental property and non-residential property will serve as further protection of the public as aforesaid and the safety and security of occupants of such properties by initially and at reasonable intervals thereafter causing the permitted premises and facilities to be properly inspected for minimum property standards compliance;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI AS FOLLOWS:

Section 1. Section 500.040 of Article I of Chapter 500 of Title V of the Municipal Code of the City of Clayton, Missouri, is hereby amended to read as follows:

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: BUILDING CODES AND BUILDING REGULATIONS

ARTICLE I. ADOPTION OF BUILDING CODES

SECTION 500.040: PROPERTY MAINTENANCE CODE -- ADOPTION -- ADDITIONS, INSERTIONS, DELETIONS AND CHANGES

A. Adoption. The 2006 International Property Maintenance Code, First Edition, as published by the International Code Council, three (3) copies of which are on file in the office of the City Clerk, is hereby adopted as the Property Maintenance Code of the City of Clayton, Missouri, for the control of existing structures, premises and exterior property as herein provided, and all of the regulations, provisions, penalties, conditions and the terms of the International Property Maintenance Code, First Edition, 2006 are hereby referred to, adopted and made a part hereof, as if fully set out in this Section with the amendments, additions, insertions and deletions prescribed in Subsection (B) of this Section.

B. Additions, Insertions, Deletions and Changes. The following numbered Sections and Subsections of the International Property Maintenance Code, First Edition, 2006 are

hereby amended by additions, insertions, deletions and changes so that such amended Sections and Subsections shall read as follows:

[NOTE: No other Sections, Subsections or parts of Section 500.040 other than those set forth in this Ordinance are altered, amended or affected in any way by this amendment and remain in full force and effect. For that reason these Sections are not set forth here in full.]

* * *

Section 112 is amended to read as follows:

SECTION 112 OCCUPANCY PERMITS

Section 112.1 is added to read as follows:

Section 112.1 Occupancy Permits and Transfer of Ownership: It shall be unlawful for any owner or operator of a (a) two-family dwelling, or (b) multi-family rental building, or (c) multi-family condominium building or unit to let to another for occupancy or for any person to occupy any dwelling unit subject to the Occupancy Permit Program unless the exterior, common areas and dwelling unit of the building have been inspected by the Code Official and it has been determined that it is in compliance with all the provisions of this code, and a permit has been issued to said owner or operator for the dwelling unit which will allow the prospective tenant family to legally occupy said dwelling unit. Provided, however, this requirement shall not apply to two-family dwellings in which one of the units is owner occupied. No tenant shall move in or occupy any dwelling unit without the knowledge or approval of the owner and the receipt of an occupancy permit for the unit. Occupancy permits shall remain valid until the occupancy of the unit(s) changes or the permit otherwise expires.

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Section 112.3 Occupancy Permits, Non-Residential Structures: It shall be unlawful for any person, owner or operator to occupy or use or to permit occupancy or use of any premises for any purpose until an occupancy permit has been issued by the Code Official.

No such permit shall be issued unless said premises has been inspected by the Code Official and the premises is in compliance with this code and all zoning regulations.

Section 2.

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 3.

It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have

been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section 4.

This Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

Passed by the Board of Aldermen this 25th day of January, 2011.

Mayor

Attest:

City Clerk